HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 7819 OF 2007

DATE: 16.04.2007

BETWEEN

1. Tethala Satti Reddy, S/o SriVenkata Reddy and one another

….Petitioners

AND

1. The Superintending Engineer (R&B), Roads and Buildings Circle, Kakinada, East Godavari District and two others

…. Respondents

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 7819 OF 2007

ORAL ORDER:

Petitioners state that they are the owners of the premises bearing D.Nos. 1-5 and 1-7 of Balabhadrapuram Village, Biccavolu Mandal, East Godavari District. They complain that the respondents are trying to demolish portions of their houses for the purpose of widening the R & B road. They contend that no proceedings have been initiated under the Land Acquisition Act, or any other provision of law and straight away the respondents are trying to demolish the structures.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for R&B.

Petitioners have filed copies of receipts, for payment of house tax for the premises, mentioned above. If the property owned by the petitioners, in its entirety, or in part, is needed for the purpose of widening the existing road, the respondent can utilize the same only after initiating the proceedings under the Land Acquisition Act, or with the consent of the petitioners. Howsoever laudable the object may be, the petitioners cannot be deprived of their property without compensation.

Hence, the Writ Petition is disposed of directing that the houses of the petitioners shall not be demolished in their entirety or in part, except by following the due procedure prescribed under law. In case the petitioners have encroached into any road margin or Government land, it shall be open to the respondents to resume the possession thereof, by issuing notice under the relevant provisions of law. There shall be no order as to costs.

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L. NARASIMHA
REDDY, J

Date: 16.04.2007
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